

**REMARKS**

Claims 1-16 are pending. Claim 1 is amended. No claims are added or canceled.

**Allowable Subject Matter**

Initially, Applicant notes with appreciation the Examiner's indication that claims 6 and 10 contain allowable subject matter. Applicant respectfully submits that in light of the arguments below, all the claims in the present application are patentable.

**Claim Rejections under 35 U.S.C. § 112**

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that claim 1 has been amended to address the 35 U.S.C. § 112, second paragraph, rejections.

In light of the above, Applicant respectfully requests that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-5, 7-9, and 11-16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Applicant's alleged Admitted Prior Art in the present application in view of Terry et al. (U.S. Pub. No. 2004/0027997, herein Terry). Applicant respectfully traverses the rejection.

**Alleged Combination Fails to Establish Prima Facie Obviousness**

Without admitting whether Figs. 3, 6 and the background at paragraph [0011] are prior art, Applicant submits that neither Figs. 3, 6 and the background at paragraph [0011] nor the

cited art Terry disclose “adaptively adjusting the buffers **allocated to the endpoints**” as recited Applicant’s claim 1.

The Examiner recognizes that the alleged Admitted Prior Art fails to disclose “adaptively adjusting the buffers allocated to the endpoints” as recited in Applicant’s claim 1. Instead, the Examiner relies on Terry to cure the deficiencies of the alleged Admitted Prior art.

Terry discloses at paragraph [0026] “the RNC 52 sends data to the Node B 54, the amount of which may not exceed the capacity allocation. The Node B then adjusts its buffer accordingly to receive and store the data (step 69).” Therefore, Terry merely discloses that “Node B adjusts its buffer.” In particular, Terry discloses at paragraph [0026] only that “the amount of data stored in the buffer will change in accordance with the incoming data that is transmitted from the RNC 52 and the outgoing data that is transmitted to the UE82.” Therefore, Terry discloses only the amount of data stored in the buffer will change. However, nowhere does Terry disclose “adaptively adjusting the buffers **allocated to the endpoints**” as recited in Applicant’s claim 1. Therefore, Applicant respectfully submits that claim 1 is patentable for at least the above reasons. Further, Applicant respectfully submits that claims 9 and 13 contain features similar to those discussed above in regards to claim 1 and are therefore patentable for at least the same reasons as well as on their own merits. Applicant also submits that claims 2-5, 7-8, 11-12, and 14-16, which are dependent on one of claims 1, 9, and 13, are patentable for at least the reasons discussed above in regards to claims 1, 9, and 13 as well as on their own merits.

In light of the above, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-16 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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